

United States Senate

WASHINGTON, DC 20510

July 11, 2018

The Honorable Heidi King
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Acting Administrator King:

We write to express our concern over the National Highway Traffic Safety Administration's (NHTSA) repeated delays in finalizing a regulation, proposed in December 2011, that would require keyless ignition vehicles to audibly alert drivers that their cars are still running when they leave the vehicle. Many consumers are unaware or forget that their keyless ignition vehicles may continue running even after they leave the vicinity of their vehicle, putting them and their families at risk of injury or death from carbon monoxide poisoning.

As you may know, Senator Casey wrote to your predecessor Administrator Mark Rosekind on November 20, 2015 to draw NHTSA's attention to this important issue after couples from Pennsylvania and Illinois tragically lost their lives due to carbon monoxide poisoning when their keyless ignition vehicles were left running. In his letter, Senator Casey requested an update on the status of NHTSA's proposed rule, as well as other steps that NHTSA has taken or could take to prevent vehicle-related carbon monoxide poisonings from happening. NHTSA's response noted that the agency had taken a number of steps to improve consumer education regarding the safe operation of keyless ignition systems. While NHTSA's continued work on this issue was appreciated, over two years have now passed without further action to protect consumers. This is unacceptable.

Recent reporting from the New York Times article published on May 13, 2018 entitled *Deadly Convenience: Keyless Cars and Their Carbon Monoxide Toll*¹ reported on recent deaths as a result of keyless ignition vehicles left running, showing that consumer education is inadequate. We were deeply troubled to learn from the article that several people died as NHTSA postponed adoption of the keyless ignition rule three times. NHTSA's 2011 Notice of Proposed Rulemaking (NPRM) estimated fixing this issue would cost the entire industry less than \$500,000 a year, or pennies per vehicle. According to the NPRM, "Preventing even one serious injury over three years would make the proposed rule cost-beneficial."

We were also concerned to learn that the exact number of deaths resulting from this issue is unknown since no federal agency currently keeps comprehensive records on the exact number of deaths related to carbon monoxide poisoning from keyless ignition vehicles. According to the article, NHTSA had

¹ <https://mobile.nytimes.com/2018/05/13/business/deadly-convenience-keyless-cars-and-their-carbon-monoxide-toll.html>

only investigated four fatal incidents through 2016, while in its reporting the New York Times identified 28 deaths and 45 injuries since 2006 resulting from this cause.

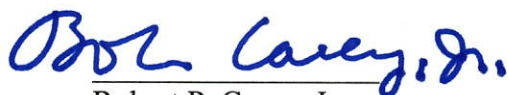
Given the gravity of this issue, we request an update on the keyless ignition rulemaking process and strongly urge NHTSA to expeditiously finalize its rule to prevent further tragedies from occurring. As NHTSA works to finalize the rule, we also ask the agency to reconsider including a timed, automatic shutdown requirement when drivers exit their vehicle. This safety standard was recommended by a January 2011 Society of Automotive Engineers report,² but ultimately was not included in NHTSA's proposed rule. We are aware that some automakers have voluntarily taken the initiative to design newer models with safety alert systems and automatic engine shutoff features, and we applaud those manufacturers for taking this safety issue seriously. Despite these recent improvements, however, there are still older models that have not yet been retrofitted to reduce or eliminate the hazard. Additionally, NHTSA's lack of action has allowed other automakers to state publicly that their keyless ignition systems meet or exceed all relevant federal safety standards, despite the known and unaddressed dangers. This difference in response across the auto industry highlights the importance and necessity for a federal standard to be established and enforced without further delay.

In addition, we request that NHTSA begin data collection of carbon monoxide deaths and injuries resulting from keyless ignition vehicles, and request that the agency share this data with the Senate Committee on Commerce, Science and Transportation and our offices on an annual basis.

Thank you for your time and attention to this request. Should NHTSA need additional resources or support from Congress to complete this work, please reach out to our offices.

We look forward to working with you on this important matter.

Sincerely,



Robert P. Casey, Jr.
United States Senator



Bill Nelson
Ranking Member
Committee on Commerce, Science and
Transportation



Richard J. Durbin
United States Senator



Tammy Duckworth
United States Senator

² https://www.sae.org/standards/content/j2948_201101/